

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAWON M. MARTIN,

Plaintiff,

Case No. 1:21-cv-980

v.

Honorable Ray Kent

JOHN DAVIDS et al.,

Defendants.

ORDER DENYING LEAVE
TO PROCEED *IN FORMA PAUPERIS* – SUFFICIENT FUNDS

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. The filing fee for a civil action is \$402.00.¹ Plaintiff seeks leave to proceed *in forma pauperis*. However, financial documents Plaintiff has filed with his motion disclose that his average monthly deposits were \$705.89 and his spendable balance when he filed his motion was \$ 902.41.

Because Plaintiff has sufficient funds to pay the filing fee, the Court will deny Plaintiff's motion. The Court should only grant leave to proceed *in forma pauperis* when it reasonably appears that paying the cost of this filing fee would impose an undue financial hardship. *Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988). It is not unreasonable to require a prisoner to devote a portion of his discretionary funds to defray a fraction of the costs of his litigation. *See Lumbert v. Ill. Dep't of Corr.*, 827 F.2d 257, 267 (7th Cir. 1987). Plaintiff has more than sufficient

¹ The filing fee for a civil action is \$350.00. 28 U.S.C. § 1914(a). The Clerk is also directed to collect a miscellaneous administrative fee of \$52.00. 28 U.S.C. § 1914(b); <https://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule>. The miscellaneous administrative fee, however, “does not apply to applications for a writ of habeas corpus or to persons granted *in forma pauperis* status under 28 U.S.C. § 1915.” *Id.*

funds to pay his \$402.00 filing fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis* in this action.

Accordingly,

IT IS ORDERED that leave to proceed *in forma pauperis* is **DENIED**. Plaintiff has twenty-eight (28) days from the date of entry of this order to pay the civil action filing fees, which total \$402.00. When Plaintiff pays his filing fees, the Court will screen his complaint as required by 28 U.S.C. § 1915A and 42 U.S.C. § 1997e(c). If Plaintiff does not pay the filing fees within the 28-day period, this case will be dismissed without prejudice, but Plaintiff will continue to be responsible for payment of the \$402.00 filing fees.

Dated: December 14, 2021

/s/ Ray Kent

Ray Kent

United States Magistrate Judge

SEND REMITTANCES TO THE FOLLOWING ADDRESS:

Clerk, U.S. District Court
399 Federal Bldg.
110 Michigan St., N.W.
Grand Rapids, MI 49503

All checks or other forms of payment shall be payable to “Clerk, U.S. District Court.”